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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Takatoshi OKAGAWA, et al.

SERIAL NO: 10/666,177

GROUP: 2681

FILED: September 22, 2003

EXAMINER:

FOR: MOBILE COMMUNICATION CONTROL SYSTEM, MOBILE
COMMUNICATION CONTROL METHOD, ROUTER, SERVER AND DATA
STRUCTURE

Best Available Copy

LETTER

Mail Stop DD
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Chinese Office Action for the Examiner's consideration. The reference(s) cited therein have been previously filed on March 16, 2004.

Respectfully Submitted,

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THE PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

Applicant	<i>NTT DoCoMo, Inc.</i>	September 9, 2005
Agent	<i>Dragon International Patent Office</i>	
Application No.	<i>031574084</i>	
Title of Invention	<i>Mobile communication control system, mobile communication control method, router, server and data structure</i>	

THE NOTIFICATION OF THE FIRST OFFICE ACTION

1. ■ In accordance with the Request for substantive examination, the examiner has made the examination on the above patent application based on the provision of paragraph 1, Article 35 of the PRC Patent Law.

☐ The Patent Office itself has decided to make a substantive examination for the above cited patent application based on the provision of paragraph 2, Article 35 of the PRC Patent Law.

2. ■ The applicant requested to designate the filing date of

_____ JP _____ in the Patent Office of _____ September 20, 2002 _____ as the priority date;

_____ in the Patent Office of _____ as the priority date;

_____ in the Patent Office of _____ as the priority date;

■ The applicant had filed a copy of the priority application proved by the patent office which receives the priority application.

☐

3. ☐ Amendment was filed on _____ by the applicant.

☐ The applicant submitted the amended text is not in conformity with Article 33 of PRC Patent Law and is unacceptable:

☐ The amended text submitted according to Article 28 or 41 of the PCT.

☐

4. ■ Examination is made based on the original filing document.

☐ Examination is made based on the following documentations.

☐ page(s) _____ of description based on the Chinese translation of the original filing document.

Page(s) _____ of description based on the Chinese translation of attachment of international Preliminary Examination Report.

Page(s) _____ of description based on the amended documents that are submitted in accordance with Article 28 or 41 of the PCT.

Page(s) _____ of description based on the amended documents that are submitted in accordance with Article 51 of the PRC Patent Law.

☐ Item(s) _____ of claims based on the Chinese translation of the original filing document.

☐ Item(s) _____ of claims based on the Chinese translation of the amended documents that are submitted in accordance with Article 19 of the PCT.

Item(s) _____ of claims based on the Chinese translation of attachment of international

Preliminary Examination Report.

Item(s) _____ of claims based on the amended documents that are submitted in accordance with Article 28 or 41 of the PCT.

Item(s) _____ of claims based on the amended documents that are submitted in accordance with Article 51 of the PRC Patent Law.

☐ page(s) _____ of drawings based on the Chinese translation of the original filing document.

Page(s) _____ of drawings based on the Chinese translation of attachment of international Preliminary Examination Report.

Page(s) _____ of drawings based on the amended documents that are submitted in accordance with Article 28 or 41 of the PCT.

Page(s) _____ of drawings based on the amended documents that are submitted in accordance with Article 51 of the PRC Patent Law.

☐

5. ☒ The notification is made under the search for the patent ability.

☐ The following reference material has been cited in this notification (its serial number will be referred to in the following procedure);

Serial Number	Number or Title of Reference Material	Publication Date (or Filing Date of A Conflict Patent Application)
1	EP1102509A1	2001-05-23
2	EP 1032178A1	1999-02-26

6. The conclusion of the examination;

☒ In regard to the description;

☐ The subject matter of the present application is not accepted based on the Article 5 of the PRC Patent Law.

☐ The presentation of the description is not in conformity with the provision of Paragraph 3, Article 26 of the PRC Patent Law.

☐ The presentation of the description is not in conformity with the provision of Article 33 of the PRC Patent Law.

☐ The presentation of the specification is not in conformity with the provision of Rule 18 of the Implementing Regulations of the PRC Patent Law.

☐ The presentation of the specification is not in conformity with the provision of Rule 19 of the Implementing Regulations of the PRC Patent Law.

☒ In regard to the Claims:

☐ Claims _____ can not be allowed beyond the scope of the protection based on the Article 25 of the PRC Patent Law.

☐ Claims _____ do not belong to the definition of invention based on the provision of paragraph 1, Rule 2 of the Implementing Regulations of the PRC Patent Law.

☒ Claims 8 can not be allowed owing to lack of novelty based on the provision of paragraph 2, Article 22 of the PRC Patent Law.

☒ Claims 1-7,9-14,17-19 can not be allowed owing to lack of inventiveness based on the

provision of paragraph 3, Article 22 of the PRC Patent Law.

- ☐ Claims ____ can not be allowed based on the provision of paragraph 4, Article 26 of the PRC Patent Law.
- ☐ Claims ____ can not be allowed based on the provision of paragraph 1, Article 31 of the PRC Patent Law.
- ☐ Claims 15,16 can not be allowed based on the provision of Rules 20 of the Implementing Regulations of the PRC Patent Law.
- ☐ Claims ____ can not be allowed based on the provision of Rules 22 of the Implementing Regulations of the PRC Patent Law.
- ☐ Claims ____ can not be allowed based on the provision of Article 9 of the PRC Patent Law.
- ☐ Claims ____ can not be allowed based on the provision of paragraph 1, Rule 13 of the Implementing Regulations of the PRC Patent Law.

The explanation of the conclusion is given in the attachment sheet in details

7. According to the above conclusion, it is considered that

- ☐ the applicant should amend the application documents based on the request in the Attachment Sheet.
- ☐ the applicant should state the reason on which the application can be accepted and amend the part that is indicated not to be conformity with the requirement, otherwise the application will be rejected.
- ☐ No subject matter in the application is accepted, said application will be rejected if the applicant does not make a statement or fail to make a statement.

8. The applicant is drawn attention to that

- (1) In accordance with the provisions in Article 37 of the PRC Patent Law, the applicant shall submit the observation within **FOUR** months from the date of receiving this notification. If the applicant, without any justified reason, fails to reply within the time limit, the application shall be deemed to have been withdrawn.
- (2) The applicant shall make amendments to what is not in conformity with the provisions in the text of this notification. The amended text shall be furnished in duplicate. The formality of the document should be in conformity with the relative provisions in the Guidebook for Examination.
- (3) The applicant and/or his attorney could not go to the PRC Patent Office to meet the examiner if no appointment is made.
- (4) **Any response and/or amended specification must be mailed or sent by hand to the receiving Department of the PRC Patent Office. Any documents that are not sent to the Receiving Department do not have legal force.**

9. The text of notification embraces 7 page(s), along with the enclosures herein:

■ 2 copy of the cited reference is enclosed in pages of 58.

Text of the Notification of the First Office Action

Application No: 031574084

1. Claim 1 does not possess inventiveness prescribed by Paragraph 3, Article 22 of the Patent Law. Reference 1 discloses a mobile communication network and data distribution in mobile communication network together with detailed technical features as follows: a location information server is for managing information about correspondence between the IP address of the mobile station and the IP address of the edge node; each of the edge nodes may receive data which is transmitted by a mobile station and to which the IP address of the mobile station is added, retrieve by accessing the location information server the IP address of the edge node, the corresponding the mobile station adds the IP address of the edge node to the received data, and transmit the data to the routing node; the routing information may include information about correspondence between the IP address of the edge node and transmission rout (refer to paragraph 20 of reference 1); if gate node (equivalent to "source router") has been established, in the form of table, for example, the relationship between the received IP address of the mobile station and the IP address of the edge node, it updates the table to bring the IP address of the mobile station into correspondence with the received IP address of the new edge node. (refer to paragraph 60 of reference 1); a tunnel device is configured to fail to pass through to the destination tunnel of the second address of the mobile destination device (refer to paragraph 42 of reference 1); after capturing the IP address of the edge node, the gate node adds the IP address of the edge node to the received data, i.e., to encapsulate the received IP packet for the mobile station into the IP packet for the edge node, and transmit it to the repeater node (refer to paragraph 42 of reference 1); an arriving at tunnel device is configured for the first address of the arriving at tunnel destination device (the tunnel of the gate node is encapsulated into the IP address of the destination router stated in paragraph 42

of reference 1, which implies that the process of destination router arrived at the tunnel has been disclosed); the method of the submitting data comprising: one of the router notes adds the address of mobile station to the received data, and carries the data based on the routing information; one of the edge notes receives the data routed by the router notes and transmits it to the mobile station (refer to paragraph 42 of reference 1); the difference between the claim and reference 1 is merely on: an address converter, however, the technical features has been disclosed in the form of "reverse address converter" in reference 2, (refer to the abstract and paragraphs 11, 45 and 63-74 of reference 2), and has the same effect as that for resolving the technical problems of the invention, i.e., both serve the converting address. It also means that reference 2 has given the implication of said technical feature to reference 1 to resolve its technical problem. Therefore, it is obvious to the skilled in the art to obtain the technical solution sought for protection in the claim by combining reference 2 on the basis of reference 1. The technical solution sought for protection in claim 1 does not possess inventiveness in that it does not possess any prominent substantive feature, nor does it represent a notable progress.

2. Claim 2 is a dependent claim of claim 1 and its defined additional technical feature, the destination router further comprising a selection notifier, is however, the general knowledge in the said technical field. The person in the art can think of easily to using the selection notifier to notify the selected second address of the destination mobile terminal to the server. It is obvious to the skilled in the art to use the common knowledge. When claim 1 referred to does not possess inventiveness, as a result, the dependent claim does not comply with the provisions of paragraph 3, Article 22 of the Patent Law.

3. Claim 3 is a dependent claim of claim 1 and its defined additional technical feature, the source router further comprising an inquirer, is however, the general knowledge in the said technical field. The person in the art can think of easily to using the inquirer to inquire as to the second address of the

designation mobile terminal. It is obvious to the skilled in the art to use the common knowledge. When claim 1 referred to does not possess inventiveness, as a result, the dependent claim does not comply with the Provisions of paragraph 3, Article 22 of the Patent Law.

4. Claim 4 is a dependent claim of claim 1 and its defined additional technical features, the address manager updates the address of the destination mobile terminal in accordance with a movement of the destination mobile or the state of the destination mobile terminal, are however, the general knowledge in the said technical field and can be inferred easily by the person in the art. It is obvious to the skilled in the art to use the common knowledge. When claim 1 referred to does not possess inventiveness, as a result, the dependent claim does not comply with the provisions of paragraph 3, Article 22 of the Patent Law.

5. Claim 5 is a dependent claim of claim 1 and its defined additional technical features, deleting the second address and the router is not in a route of the packet from the source mobile terminal to the destination mobile terminal, however, are the general knowledge in the said technical field and can be inferred easily by the person in the art. It is obvious to the skilled in the art to use the common knowledge. When claim 1 referred to does not possess inventiveness, as a result, the dependent claim does not comply with the provisions of Paragraph 3, Article 22 of the Patent Law.

6. Claim 6 is a dependent claim of claim 1 and its defined additional technical features, the address converter of the source router or the destination router distinguishes the first address of the destination mobile terminal from the second address of the destination mobile terminal in accordance with at least one decision bit in the packet, are however, the general knowledge in the said technical field and can be inferred easily by the person in the art. It is obvious to the skilled in the art to use the common knowledge. When claim 1 referred to does not possess inventiveness, as a result, the dependent claim does not comply with the provisions of Paragraph 3, Article 22 of the Patent Law.

7. Claim 7 does not possess inventiveness prescribed by Paragraph 3, Article 22 of the Patent Law. Reference 1 discloses a mobile communication network and data distribution in mobile communication network together with detailed technical features as follows: a location information server is for managing information about correspondence between the IP address of the mobile station and the IP address of the edge node; each of the edge nodes may receive data which is transmitted by a mobile station and to which the IP address of the mobile station is added, retrieve by accessing the location information server the IP address of the edge node, the corresponding the mobile station adds the IP address of the edge node to the received data, and transmit the data to the routing node; the routing information may include information about correspondence between the IP address of the edge node and transmission route (refer to paragraph 20 of reference 1); if the gate node (equivalent to "source router") has been established, in the form of table, for example, the relationship between the received IP address of the mobile station and the IP address of the edge node, it updates the table to bring the IP address of the mobile station into correspondence with the received IP address of the new edge node. (refer to paragraph 60 of reference 1); a tunnel device is configured to fail to pass through to the destination tunnel of the second address of the mobile destination device (refer to paragraph 42 of reference 1); after capturing the IP address of the edge node, the gate node adds the IP address of the edge node to the received data, i.e., to encapsulate the received IP packet for the mobile station into the IP packet for the edge node, and transmit it to the repeater node (refer to paragraph 42 of reference 1); an arriving at tunnel device is configured for the first address of the arriving at tunnel destination device (the tunnel of the gate node is encapsulated into the IP address of the destination router stated in paragraph 42 of reference 1, which implies that the process of destination router arrived at the tunnel has been disclosed); the method of the submitting data comprising: one of the router nodes adds the address of mobile station to the received data, and

carries the data based on the routing information; one of the edge nodes receives the data routed by the router nodes and transmits it to the mobile station (refer to paragraph 42 of reference 1). The difference between the claim and reference 1 is merely on: an address converter, however, the technical features have been disclosed in the form of "reverse address converter" in reference 2, (refer to the abstract and Paragraphs 11, 45 and 63-74 of reference 2), and has the same effect as that for resolving the technical problems of the invention, i.e., both serve the converting address. It also means that reference 2 has given the implication of said technical feature to reference 1 to resolve its technical problem. Therefore, it is obvious to the skilled in the art to obtain the technical solution sought for protection in the claim by combining reference 2 on the basis of reference 1. The technical solution sought for protection in claim 7 does not possess inventiveness in that it does not possess any prominent substantive feature, nor does it represent a notable progress.

8. Claim 8 does not possess novelty prescribed by Paragraph 2, Article 22 of the Patent Law. Reference 1 discloses a mobile communication network and data distribution in mobile communication network together with detailed technical features as follows: a location information server is for managing information about correspondence between the IP address of the mobile station and the IP address of the edge node; each of the edge nodes may receive data which is transmitted by a mobile station and to which the IP address of the mobile station is added, retrieve by accessing the location information server the IP address of the edge node, the corresponding the mobile station adds the IP address of the edge node to the received data, and transmit the data to the routing node; the routing information may include information about correspondence between the IP address of the edge node and transmission route (refer to paragraph 20 of reference 1). The difference between the technical solution sought for protection in the claim and that disclosed by reference 1 is merely on the literal expression. Their technical solutions are substantively same

and belong to the same technical field and can bring about same effect. Therefore, the technical solution sought for protection in claim 8 does not possess novelty.

9. Claim 9 is a dependent claim of claim 8 and its defined additional technical features, the address manager updates the address of the destination mobile terminal in accordance with a movement of the destination mobile or the state of the destination mobile terminal, are however, the general knowledge in the said technical field and can be inferred easily by the person in the art. It is obvious to the skilled in the art to use the common knowledge. When claim 8 referred to does not possess inventiveness, as a result, the dependent claim does not comply with the provisions of paragraph 3, Article 22 of the Patent Law.

10. Claim 10 is a dependent claim of claim 8 and its defined additional technical features, deleting the second address and the router is not in a route of the packet from the source mobile terminal to the destination mobile terminal, are however, the general knowledge in the said technical field and can be inferred easily by the person skilled in the art. It is obvious to the skilled in the art to use the common knowledge. When claim 8 referred to does not possess inventiveness, as a result, the dependent claim does not comply with the provisions of Paragraph 3, Article 22 of the Patent Law.

11. Claim 11 does not possess inventiveness prescribed by Paragraph 3, Article 22 of the Patent Law. Reference 1 discloses a mobile communication network and data distribution in mobile communication network together with detailed technical features as follows: a location information server is for managing information about correspondence between the IP address of the mobile station and the IP address of the edge node; each of the edge nodes may receive data which is transmitted by a mobile station and to which the IP address of the mobile station is added, retrieve by accessing the location information server the IP address of the edge node, the corresponding the mobile station adds the IP address of the edge node to the received data, and transmit the data to the

routing node; the routing information may include information about correspondence between the IP address of the edge node and transmission route (refer to paragraph 20 of reference 1); if the gate node (equivalent to "source router") has been established, in the form of table, for example, the relationship between the received IP address of the mobile station and the IP address of the edge node, it updates the table to bring the IP address of the mobile station into correspondence with the received IP address of the new edge node. (refer to paragraph 60 of reference 1); a tunnel device is configured to fail to pass through to the destination tunnel of the second address of the mobile destination device (refer to paragraph 42 of reference 1); after capturing the IP address of the edge node, the gate node adds the IP address of the edge node to the received data, i.e., to encapsulate the received IP packet for the mobile station into the IP packet for the edge node, and transmit it to the repeater node (refer to paragraph 42 of reference 1); an arriving at tunnel device is configured for the first address of the arriving at tunnel destination device (the tunnel of the gate node is encapsulated into the IP address of the destination router stated in paragraph 42 of reference 1, which implies that the process of destination router arrived at the tunnel has been disclosed); the method of the submitting data comprising: one of the router nodes adds the address of mobile station to the received data, and carries the data based on the routing information; one of the edge nodes receives the data routed by the router nodes and transmits it to the mobile station (refer to paragraph 42 of reference 1). The difference between the claim and reference 1 is merely on: an address converter, however, the technical features has been disclosed in the form of "reverse address converter" in reference 2, (refer to abstract, paragraph 11, 45, 63-74 of reference 2), and has the same effect as that for resolving the technical problems of the invention, i.e., both serve the converting address. It also means that reference 2 has given the implication of said technical feature to reference 1 to resolve its technical problem. Therefore, it is obvious to the skilled in the art to obtain the technical solution sought for

protection in the claim by combining reference 2 on the basis of reference 1. The technical solution sought for protection in claim 11 does not possess inventiveness in that it does not possess any prominent substantive feature, nor does it represent a notable progress.

12. Claim 12 is a dependent claim of claim 11 and its defined additional technical features, the address converter of the source router or the destination router distinguishes the first address of the destination mobile terminal from the second address of the destination mobile terminal in accordance with at least one decision bit in the packet, are however, the general knowledge in the said technical field and can be inferred easily by the person in the art. It is obvious to the skilled in the art to use the common knowledge. When claim 11 referred to does not possess inventiveness, as a result, its independent claim does not comply with the provisions of Paragraph 3, Article 22 of the Patent Law.

13. Claim 13 does not possess inventiveness prescribed by Paragraph 3, Article 22 of the Patent Law. Reference 1 discloses a mobile communication network and data distribution in mobile communication network together with detailed technical features as follows: an arriving at tunnel device is configured for the first address of the arriving at tunnel destination device (the tunnel of gate node is encapsulated into the IP address of the destination router stated in paragraph 42 of reference 1, which implies that the process of destination router arrived at the tunnel has been disclosed); the method of the submitting data comprising: one of the router notes adds the address of mobile station to the received data, and carries the data based on the routing information; one of the edge notes receives the data routed by the router notes and transmits it to the mobile station (refer to paragraph 42 of reference 1). The difference between the claim and reference 1 is merely on: an address converter, however, the technical feature has been disclosed in the form of "reverse address converter" in reference 2, (refer to the abstract and Paragraphs 11, 45 and 63-74 of reference 1), and has the same effect as that for resolving the technical problems of the

invention, i.e., both serve the converting address. It also means that reference 2 has given the implication of said technical feature to reference 1 to resolve its technical problem. Therefore, it is obvious to the skilled in the art to obtain the technical solution sought for protection in the claim by combining reference 2 on the basis of reference 1. The technical solution sought for protection in claim 13 does not possess inventiveness in that it does not possess any prominent substantive feature, nor does it represent a notable progress.

14. Claim 14 is a dependent claim of claim 13 and its defined additional technical features, the address converter of the source router or the destination router distinguishes the first address of the destination mobile terminal from the second address of the destination mobile terminal; in accordance with at least one decision bit in the packet, are however, the general knowledge in the said technical field and can be inferred easily by the person in the art. It is obvious to the person skilled in the art to use the common knowledge. When claim 11 referred to does not possess inventiveness, as a result, the dependent claim does not comply with the Provisions of paragraph 3, Article 22 of the Patent Law.

15. The types of the subject matters sought for protection in claims 15, 16 are not clear and not in conformity with the provisions of paragraph 1, Rule 10 of the Implementing Regulations of the Patent Law. Each claim shall be described as either a product claim or a method claim (refer to Sections 3.1.1 and 3.2.2, Chapter 2, Part 2 in the Guidelines for Patent Examination). But the subject matters sought for protection in the above claims are a data structure, neither a product nor a method. Therefore, the types of the subject matters are not clear.

16. Claim 17 does not possess inventiveness prescribed by Paragraph 3, Article 22 of the Patent Law. Reference 1 discloses a mobile communication network and data distribution in mobile communication network together with detailed technical features as follows: a location information server is for managing information about correspondence between the IP address of the

mobile station and the IP address of the edge node, each of the edge nodes may receive data which is transmitted by a mobile station and to which the IP address of the mobile station is added, retrieve by accessing the location information server the IP address of the edge node; the corresponding the mobile station adds the IP address of the edge node to the received data, and transmit the data to the routing node, the routing information may include information about correspondence between the IP address of the edge node and transmission rout (refer to paragraph 20 of reference 1); if the gate node (equivalent to "source router") has been established, in the form of table, for example, the relationship between the received IP address of the mobile station and the IP address of the edge node, it updates the table to bring the IP address of the mobile station into correspondence with the received IP address of the new edge node. (refer to paragraph 60 of reference 1); a tunnel device is configured to fail to pass through to the destination tunnel of the second address of the mobile destination device (refer to paragraph 42 of reference 1); after capturing the IP address of the edge node, the gate node adds the IP address of the edge node to the received data, i.e., to encapsulate the received IP packet for the mobile station into the IP packet for the edge node, and transmit it to the repeater node (refer to paragraph 42 of reference 1); an arriving at tunnel device is configured for the first address of the arriving at tunnel destination device (the tunnel of gate node is encapsulated into the IP address of the destination router stated in paragraph 42 of reference 1, which implies that the process of destination router arrived at the tunnel has been disclosed); the method of the submitting data comprising: one of the router notes adds the address of mobile station to the received data, and carries the data based on the routing information; one of the edge notes receives the data routed by the router notes and transmits it to the mobile station (refer to paragraph 42 of reference 1); the difference between the claim and reference 1 is merely on: an address converter, however the technical feature, has been

disclosed in the form of "reverse address converter" in reference 2, (refer to abstract, paragraph 11, 45, 63-74 of reference 2), and has the same effect as that for resolving the technical problems of the invention, both serve for converting address. It also means that reference 2 has given the implication of said technical feature to reference 1 to resolve its technical problem. Therefore, it is obvious to the skilled in the art to obtain the technical solution sought for protection in the claim by combining reference 2 on the basis of reference 1. The technical solution sought for protection in claim 17 does not possess inventiveness in that it does not possess any prominent substantive feature, nor does it represent a notable progress.

17. Claim 18 is a dependent claim of claim 11 and its defined additional technical feature, a converter, has also been disclosed in reference 2 correspondingly (refer to the abstract, and paragraphs 11, 45 and 63-74 of reference 2) and has the same effect as that for resolving the technical problems of the invention, i.e., both serve the converting address. When claim 11 referred to does not possess inventiveness, as a result, its independent claim does not comply with the Provisions of paragraph 3, Article 22 of the Patent Law.

18. Claim 19 is an independent claim of claim 13 and its defined additional technical features, a converter, also has been corresponding disclosed in reference 2 (refer to abstract, paragraph 11, 45, 63-74 of reference 2) and has the same effect as that for resolving the technical problems of the invention, both serve for converting address. When claim 11 referred to does not possess inventiveness, as a result, its independent claim does not comply with the provisions of paragraph 3, Article 22 of the Patent Law.

Based on the above reasons, the application cannot be allowed for a patent right. Moreover, no other substantive matters which deserve a patent right are recorded in the specification and the application does not have a prospect of being granted a patent right even if the application is revised. If the applicant cannot state convincing reasons within the time limit specified by the

notification, the application shall be rejected.

The submitted revised documents by the applicant shall contain: the duplicate of original documents with the corresponding amendments, and mark the parts of addition, deletion or replacement on the duplicate documents with red pen or red ball pen; the reprinted replacement sheets (two copies for one sheet) for replacing the corresponding original text. The applicant shall keep the consistency of the two parts mentioned above in content.

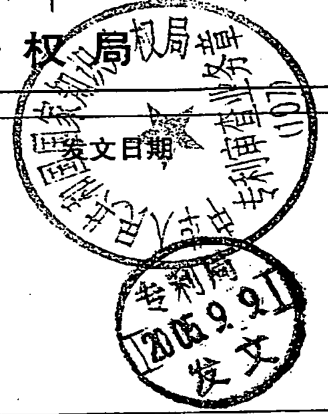
Examiner: LI Yang

Code: 3417

017P03165428



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申请号: 031574084		
申请人: 株式会社 NTT 都科摩		
发明创造名称: 移动通信控制系统、移动通信控制方法、路由器、服务器以及数据结构		

第一次审查意见通知书

- ☒ 应申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 国家知识产权局对上述发明专利申请进行实质审查。
☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。
- ☒ 申请人要求以在:
JP 专利局的申请日 2002 年 09 月 20 日为优先权日,
专利局的申请日 年 月 日为优先权日,
专利局的申请日 年 月 日为优先权日,
专利局的申请日 年 月 日为优先权日,
专利局的申请日 年 月 日为优先权日。
☐ 申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。
☐ 申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本, 根据专利法第 30 条的规定视为未提出优先权要求。
- ☐ 经审查, 申请人于:
年 月 日提交的 不符合实施细则第 51 条的规定;
年 月 日提交的 不符合专利法第 33 条的规定;
年 月 日提交的
- 审查针对的申请文件:
☒ 原始申请文件。 ☐ 审查是针对下述申请文件的
申请日提交的原始申请文件的权利要求第 项、说明书第 页、附图第 页;
年 月 日提交的权利要求第 项、说明书第 页、附图第 页;
年 月 日提交的权利要求第 项、说明书第 页、附图第 页;
年 月 日提交的说明书摘要, 年 月 日提交的摘要附图。
- ☐ 本通知书是在未进行检索的情况下作出的。
☒ 本通知书是在进行了检索的情况下作出的。
☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):
编号 文件号或名称 公开日期(或抵触申请的申请日)
1 EP1102509A1 2001-05-23
2 EP1032178A1 1999-02-26
- 审查的结论性意见:
☐ 关于说明书:
☐ 申请的内容属于专利法第 5 条规定的不授予专利权的范围。

21301
2002 8



回函请寄: 100088 北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收
(注: 凡寄给审查员个人的信函不具有法律效力)

- ☐ 说明书不符合专利法第 26 条第 3 款的规定。
☐ 说明书不符合专利法第 33 条的规定。
☐ 说明书的撰写不符合实施细则第 18 条的规定。
☐

☒ 关于权利要求书:

- ☒ 权利要求 8 不具备专利法第 22 条第 2 款规定的新颖性。
☒ 权利要求 1-7, 9-14, 17-19 不具备专利法第 22 条第 3 款规定的创造性。
☐ 权利要求 不具备专利法第 22 条第 4 款规定的实用性。
☐ 权利要求 属于专利法第 25 条规定的不授予专利权的范围。
☐ 权利要求 不符合专利法第 26 条第 4 款的规定。
☐ 权利要求 不符合专利法第 31 条第 1 款的规定。
☐ 权利要求 不符合专利法第 33 条的规定。
☐ 权利要求 不符合专利法实施细则第 2 条第 1 款关于发明的定义。
☐ 权利要求 不符合专利法实施细则第 13 条第 1 款的规定。
☒ 权利要求 15, 16 不符合专利法实施细则第 20 条的规定。
☐ 权利要求 不符合专利法实施细则第 21 条的规定。
☐ 权利要求 不符合专利法实施细则第 22 条的规定。
☐ 权利要求 不符合专利法实施细则第 23 条的规定。
☐

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见, 审查员认为:

- ☐ 申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。
☐ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。
☐ 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。
☐

8. 申请人应注意下述事项:

- (1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的肆个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。
(2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。
(3) 申请人的意见陈述书和/或修改文本应邮寄或递交国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。
(4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

9. 本通知书正文部分共有 7 页, 并附有下列附件:

- ☒ 引用的对比文件的复印件共 2 份 58 页。 ☐



审查员: 李阳(3417)

2005 年 8 月 22 日

审查部门 通信审查部



第一次审查意见通知书正文

申请号：031574084

1. 权利要求1不具备专利法第二十二条第三款规定的创造性。对比文件1公开了一种在移动通信网络中的移动通信网络和数据分配，并具体公开了以下的技术特征：一位置信息服务器负责管理移动站的IP地址与边缘节点IP地址，每一个边缘节点可以接收从移动站发射的数据，这样移动站的IP地址就被添加上了，并能通过访问位置服务器重新找到边缘节点的IP地址，相关的移动站添加边缘节点的IP地址，并且发送数据到路由节点；路由信息可以包括边缘节点的IP地址与发射节点之间的信息（参见对比文件1的第20段）；如果门节点（相当于“源路由器”）已经建立起来，是以表的形式，比如，接收移动站的IP地址和移动站访问的边缘节点IP地址之间的关系（参见对比文件1第60段）；一隧道设备配置未打通到移动目标设备的第二目标地址的隧道（参见对比文件1第42段）；在捕获边缘节点的IP地址后，门节点添加边缘节点的IP地址到接收数据上，也就是，封装数据IP包到为移动站到边缘节点IP包，并且发送到转发器节点（参见对比文件第42行）；去隧道设备配置为去隧道目标设备的第一地址（对比文件1第42段陈述了门节点隧道“封装”到目标路由器的IP地址。这样就暗示公开，目标路由器去隧道过程）；数据提交方法包括，在路由节点之一接收移动站的IP地址被添加的数据，并携带根据路由信息的数据，在边缘节点之一接收被路由节点路由的数据，并传送数据到移动站（参见对比文件1第42段）；该权利要求与对比文件1的区别在于：地址转换器，但该区别特征已被对比文件2的“反地址转换器”所公开（参见对比文件2的摘要、第11、45、63—74段），而且该特征在对比文件2中所起的作用与其在本发明中为解决其技术问题所起的作用相同，都是用于地址转换，也就是说对比文件2给出了将该技术特征用于该对比文件1以解决其技术问题的启示。由此可知，在对比文件1的基础上结合对比文件2得出该权利要求所要求保护的技术方案，对本领域的技术人员来说是显而易见的，因此该权利要求所要求保护的技术方案不具有突出的实质性特点和显著的进步，因而不具备创造性。

2. 权利要求2是权利要求1的从属权利要求，其限定部分的附加技术特征为目的路由器进一步包括一选择通知器，但这些特征是所述技术领域中的公知常识，本领域人员容易想到使用选择通知器来通知选择的移动终端的第二地址通知到服务器，这些公知常识的使用对本领域的技术人员来说是显而易见的，在其引用的权利要求1不具备创造性的情况下，该从属权利要求也不具备专利法第二十二条第三款规定的创造

性。

3. 权利要求3是权利要求1的从属权利要求，其限定部分的附加技术特征为源路由器进一步包括一查询器，但这些特征是所述技术领域中的公知常识，本领域人员容易想到使用查询器来对目的移动终端的第二地址进行查询，这些公知常识的使用对本领域的技术人员来说是显而易见的，在其引用的权利要求1不具备创造性的情况下，该从属权利要求也不具备专利法第二十二条第三款规定的创造性。

4. 权利要求4是权利要求1的从属权利要求，其限定部分的附加技术特征为目标地址管理器能根据目的移动终端或者目的移动终端的移动的状态进行更新，但这些特征是所述技术领域中的公知常识，本领域人员容易想到，这些公知常识的使用对本领域的技术人员来说是显而易见的，在其引用的权利要求1不具备创造性的情况下，该从属权利要求也不具备专利法第二十二条第三款规定的创造性。

5. 权利要求5是权利要求1的从属权利要求，其限定部分的附加技术特征为去删除第二地址，其路由器不在从源移动终端的目的移动终端的数据包的路由上，但这些特征是所述技术领域中的公知常识，本领域人员容易想到，这些公知常识的使用对本领域的技术人员来说是显而易见的，在其引用的权利要求1不具备创造性的情况下，该从属权利要求也不具备专利法第二十二条第三款规定的创造性。

6. 权利要求6是权利要求1的从属权利要求，其限定部分的附加技术特征为源路由器或目的路由器的地址转化器能够根据至少包内的一个判定比特位从目的移动终端的第二地址区分初目的移动终端的第一地址，但这些特征是所述技术领域中的公知常识，本领域人员容易想到，这些公知常识的使用对本领域的技术人员来说是显而易见的，在其引用的权利要求1不具备创造性的情况下，该从属权利要求也不具备专利法第二十二条第三款规定的创造性。

7. 权利要求7不具备专利法第二十二条第三款规定的创造性。对比文件1公开了一种在移动通信网络中的移动通信网络和数据分配，并具体公开了以下的技术特征：一位置信息服务器负责管理移动站的IP地址与边缘节点IP地址，每一个边缘节点可以接收从移动站发射的数据，这样移动站的IP地址就被添加上了，并能通过访问位置服务器重新找到边缘节点的IP地址，相关的移动站添加边缘节点的IP地址，并且发送数据到路由节点；路由信息可以包括边缘节点的IP地址与发射节点之间的信息（参见对比文件1的第20段）；如果门节点（相当于“源路由器”）已经建立起来，是以表的形式，

比如，接收移动站的IP地址和移动站访问的边缘节点IP地址之间的关系（参见对比文件1第60段）；一隧道设备配置未打通到移动目标设备的第二目标地址的隧道（参见对比文件1第42段）；在捕获边缘节点的IP地址后，门节点添加边缘节点的IP地址到接收数据上，也就是，封装数据IP包到为移动站到边缘节点IP包，并且发送到转发器节点（参见对比文件第42行）；去隧道设备配置为去隧道目标设备的第一地址（对比文件1第42段陈述了门节点隧道“封装”到目标路由器的IP地址。这样就暗示公开，目标路由器去隧道过程）；数据提交方法包括，在路由节点之一接收移动站的IP地址被添加的数据，并携带根据路由信息的数据，在边缘节点之一接收被路由节点路由的数据，并传送数据到移动站（参见对比文件1第42段）；该权利要求与对比文件1的区别在于：地址转换器，但该区区别特征已被对比文件2的“反地址转换器”所公开（参见对比文件2的摘要、第11、45、63—74段），而且该特征在对比文件2中所起的作用与其在本发明中为解决其技术问题所起的作用相同，都是用于地址转换，也就是说对比文件2给出了将该技术特征用于该对比文件1以解决其技术问题的启示。由此可知，在对比文件1的基础上结合对比文件2得出该权利要求所要求保护的技术方案，对本领域的技术人员来说是显而易见的，因此该权利要求所要求保护的技术方案不具有突出的实质性特点和显著的进步，因而不具备创造性。

8. 权利要求8不具备专利法第二十二条第二款规定的新颖性。对比文件1公开了一种在移动通信网络中的移动通信网络和数据分配，并具体公开了以下的技术特征：一位置信息服务器负责管理移动站的IP地址与边缘节点IP地址，每一个边缘节点可以接收从移动站发射的数据，这样移动站的IP地址就被添加上了，并能通过访问位置服务器重新找到边缘节点的IP地址，相关的移动站添加边缘节点的IP地址，并且发送数据到路由节点；路由信息可以包括边缘节点的IP地址与发射节点之间的信息（参见对比文件1的第20段）。该权利要求所要求保护的技术方案与该对比文件所公开的内容相比，所不同的仅仅是文字表达方式上略有差别，其技术方案实质上是相同的，且两者属于相同的技术领域，并能产生相同的技术效果，因此该权利要求所要求保护的技术方案不具备新颖性。

9. 权利要求9是权利要求8的从属权利要求，其限定部分的附加技术特征为目标地址管理器能根据目的移动终端或者目的移动终端的移动的状态进行更新，但这些特征是所述技术领域中的公知常识，本领域人员容易想到，这些公知常识的使用对本领

域的技术人员来说是显而易见的，在其引用的权利要求8不具备创造性的情况下，该从属权利要求也不具备专利法第二十二条第三款规定的创造性。

10. 权利要求10是权利要求8的从属权利要求，其限定部分的附加技术特征为去除第二地址，其路由器不在从源移动终端的目的移动终端的数据包的路由上，但这些特征是所述技术领域中的公知常识，本领域人员容易想到，这些公知常识的使用对本领域的技术人员来说是显而易见的，在其引用的权利要求8不具备创造性的情况下，该从属权利要求也不具备专利法第二十二条第三款规定的创造性。

11. 权利要求11不具备专利法第二十二条第三款规定的创造性。对比文件1公开了一种在移动通信网络中的移动通信网络和数据分配，并具体公开了以下的技术特征：如果门节点（相当于“源路由器”）已经建立起来，是以表的形式，比如，接收移动站的IP地址和移动站访问的边缘节点IP地址之间的关系（参见对比文件1第60段）；一隧道设备配置未打通到移动目标设备的第二目标地址的隧道（参见对比文件1第42段）；在捕获边缘节点的IP地址后，门节点添加边缘节点的IP地址到接收数据上，也就是，封装数据IP包到为移动站到边缘节点IP包，并且发送到转发器节点（参见对比文件第42行）；去隧道设备配置为去隧道目标设备的第一地址（对比文件1第42段陈述了门节点隧道“封装”到目标路由器的IP地址。这样就暗示公开，目标路由器去隧道过程）；该权利要求与对比文件1的区别在于：地址转换器，但该区区别特征已被对比文件2的“反地址转换器”所公开（参见对比文件2的摘要、第11、45，63—74段），而且该特征在对比文件2中所起的作用与其在本发明中为解决其技术问题所起的作用相同，都是用于地址转换，也就是说对比文件2给出了将该技术特征用于该对比文件1以解决其技术问题的启示。由此可知，在对比文件1的基础上结合对比文件2得出该权利要求所要求保护的技术方案，对本领域的技术人员来说是显而易见的，因此该权利要求所要求保护的方案不具有突出的实质性特点和显著的进步，因而不具备创造性。

12. 权利要求12是权利要求11的从属权利要求，其限定部分的附加技术特征为源路由器或目的路由器的地址转化器能够根据至少包内的一个判定比特位从目的移动终端的第二地址区分初目的移动终端的第一地址，但这些特征是所述技术领域中的公知常识，本领域人员容易想到，这些公知常识的使用对本领域的技术人员来说是显而易见的，在其引用的权利要求11不具备创造性的情况下，该从属权利要求也不具备专利法第二十二条第三款规定的创造性。

13. 权利要求13不具备专利法第二十二条第三款规定的创造性。对比文件1公开了一种在移动通信网络中的移动通信网络和数据分配，并具体公开了以下的技术特征：去隧道设备配置为去隧道目标设备的第一地址（对比文件1第42段陈述了门节点隧道“封装”到目标路由器的IP地址。这样就暗示公开，目标路由器去隧道过程）；数据提交方法包括，在路由节点之一接收移动站的IP地址被添加的数据，并携带根据路由信息的数据，在边缘节点之一接收被路由节点路由的数据，并传送数据到移动站（参见对比文件1第42段）；该权利要求与对比文件1的区别在于：地址转换器，但该区区别特征已被对比文件2的“反地址转换器”所公开（参见对比文件2的摘要、第11、45、63—74段），而且该特征在对比文件2中所起的作用与其在本发明中为解决其技术问题所起的作用相同，都是用于地址转换，也就是说对比文件2给出了将该技术特征用于该对比文件1以解决其技术问题的启示。由此可知，在对比文件1的基础上结合对比文件2得出该权利要求所要求保护的技术方案，对本领域的技术人员来说是显而易见的，因此该权利要求所要求保护的技术方案不具有突出的实质性特点和显著的进步，因而不具备创造性。

14. 权利要求14是权利要求13的从属权利要求，其限定部分的附加技术特征为源路由器或目的路由器的地址转化器能够根据至少包内的一个判定比特位从目的移动终端的第二地址区分初目的移动终端的第一地址，但这些特征是所述技术领域中的公知常识，本领域人员容易想到，这些公知常识的使用对本领域的技术人员来说是显而易见的，在其引用的权利要求11不具备创造性的情况下，该从属权利要求也不具备专利法第二十二条第三款规定的创造性。

15. 权利要求15、16请求保护的技术方案的类型不清楚，不符合专利法实施细则第二十条第一款的规定。一项权利要求应写成产品权利要求或方法权利要求（参见审查指南第二部分第二章第3.1.1节和第3.2.2节），上述权利要求所要求保护的技术方案的类型是一种数据结构，这样它既不是产品也不是一种方法，因此其主题类型不清楚。

16. 权利要求17不具备专利法第二十二条第三款规定的创造性。对比文件1公开了一种在移动通信网络中的移动通信网络和数据分配，并具体公开了以下的技术特征：一位置信息服务器负责管理移动站的IP地址与边缘节点IP地址，每一个边缘节点可以接收从移动站发射的数据，这样移动站的IP地址就被添加上了，并能通过访问位置服

务器重新找到边缘节点的IP地址，相关的移动站添加边缘节点的IP地址，并且发送数据到路由节点；路由信息可以包括边缘节点的IP地址与发射节点之间的信息（参见对比文件1的第20段）；如果门节点（相当于“源路由器”）已经建立起来，是以表的形式，比如，接收移动站的IP地址和移动站访问的边缘节点IP地址之间的关系（参见对比文件1第60段）；一隧道设备配置未打通到移动目标设备的第二目标地址的隧道（参见对比文件1第42段）；在捕获边缘节点的IP地址后，门节点添加边缘节点的IP地址到接收数据上，也就是，封装数据IP包到为移动站到边缘节点IP包，并且发送到转发器节点（参见对比文件第42行）；去隧道设备配置为去隧道目标设备的第一地址（对比文件1第42段陈述了门节点隧道“封装”到目标路由器的IP地址。这样就暗示公开，目标路由器去隧道过程）；数据提交方法包括，在路由节点之一接收移动站的IP地址被添加的数据，并携带根据路由信息的数据，在边缘节点之一接收被路由节点路由的数据，并传送数据到移动站（参见对比文件1第42段）；该权利要求与对比文件1的区别在于：地址转换器，但该区区别特征已被对比文件2的“反地址转换器”所公开（参见对比文件2的摘要、第11、45，63—74段），而且该特征在对比文件2中所起的作用与其在本发明中为解决其技术问题所起的作用相同，都是用于地址转换，也就是说对比文件2给出了将该技术特征用于该对比文件1以解决其技术问题的启示。由此可知，在对比文件1的基础上结合对比文件2得出该权利要求所要求保护的技术方案，对本领域的技术人员来说是显而易见的，因此该权利要求所要求保护的技术方案不具有突出的实质性特点和显著的进步，因而不具备创造性。

17. 权利要求18是权利要求11的从属权利要求，其限定部分附加技术特征转换器也已在对比文件2中相应地公开（参见对比文件2的摘要、第11、45，63—74段），且其在该对比文件中所起的作用与其在本发明中所起的作用相同，都是用于地址转换，在其引用的权利要求11不具备创造性的情况下，该从属权利要求也不具备专利法第二十二条第三款规定的创造性。

18. 权利要求19是权利要求13的从属权利要求，其限定部分附加技术特征转换器也已在对比文件2中相应地公开（参见对比文件2的摘要、第11、45，63—74段），且其在该对比文件中所起的作用与其在本发明中所起的作用相同，都是用于地址转换，在其引用的权利要求11不具备创造性的情况下，该从属权利要求也不具备专利法第二十二条第三款规定的创造性。

基于上述理由，本申请因不能被授予专利权，而且本申请的说明书中也没有记载其它任何可获得专利权的实质性内容，因而即使对申请文件进行修改，本申请也不具备被授予专利权的前景。如果申请人不能在本通知书规定的答复期限内提出具有说服力的理由，本申请将被驳回。

申请人提交的修改文件应当包括：修改涉及部分的原文复印件，采用红色钢笔或红色圆珠笔在该复印件上标注出所作的增加、删除或替换；重新打印的替换页（一式两份），用于替换相应的原文。修改时，应该注意权利要求的顺序。申请人应当确保上述两部分在内容上的一致性。

审查员：李阳

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